

## **Independent Commission on Judicial Reform**

**September 29, 2009 Public Hearing – The Structure of our Judicial Branch**

**Charleston, West Virginia**

### **I. Overview of constitutional & statutory provisions**

- Professor Robert M. Bastress, WVU College of Law

*Professor Bastress will brief the Commission on the constitutional and statutory provisions that established the organization and structure of West Virginia's judiciary, including a discussion on how the 1974 Judicial Reorganization Amendment delegated to the Legislature the authority to establish intermediate appellate courts.*

### **II. Intermediate Appellate Court**

- Mark Sadd; Lewis Glasser Casey & Rollins, Charleston, West Virginia

*Mr. Sadd will discuss his recently published article The Rule of Law: Perspectives on Legal and Judicial Reform in West Virginia in which he recommends the creation of a system of intermediate appellate courts.*

- Julie Terry, President, Vision Shared Inc.

*Ms. Terry will discuss a recent economic analysis and proposed work plan commissioned by her organization (and prepared by Market Street Strategies, Inc.) that, among other recommendations, urged the State to establish an intermediate court of appeals.*

- Jack Rogers, Executive Director, Attorney, Public Defender Services

*Mr. Rodgers will brief the Commission on the current appellate review process and offer his perspective for the need to establish an intermediate appellate court with an appeal of right in criminal cases.*

- Michael D. Evans, Oklahoma Administrative Director of the Courts

*Mr. Evans will offer one state's perspective on judicial organization, describing Oklahoma's system of trial courts, a criminal appellate court, an intermediate court of appeals, an administrative appellate court, and its state supreme court.*

- Victor Schwartz, Shook Hardy & Bacon, LLP

*Mr. Schwartz's discussion will focus on a comparison between West Virginia and other jurisdictions that have intermediate court systems and provide for an appeal as a matter of right.*

- Rita Hemlick, Board of Review, West Virginia Workers' Compensation

*Ms. Hemlick will brief the Commission on the creation of the Board of Review for workers' compensation appeals, discuss the Board's jurisdictional scope and the manner in which workers' compensations cases proceed through the judicial system.*

- Mike McKown, Department of Revenue.

*The Department of Revenue will brief the Commission on the fiscal impact of establishing an intermediate appellate court system, and discuss potential sources of revenue that could be dedicated to fund such a system.*

### **III. Creating a Business Court**

- Hon. Steven Platt, The Platt Group, former Maryland Circuit Court judge

*Judge Platt will describe his experiences serving on the Maryland Business and Technology Court Task Force, which was created by the Maryland General Assembly to consider the feasibility of establishing a specialized court function within Maryland's Circuit Courts and ultimately recommended the creation of a statewide program with specially trained judges to resolve substantial disputes affecting business entities.*

- Cory E. Manning, Partner, Nelson Mullins

*Mr. Manning will discuss South Carolina's 2007 Business Court Pilot Program, which created a business court within South Carolina's existing state circuit court system with jurisdiction over certain business and commercial cases.*

#### **IV. Judicial Input**

- Steve Canterbury, Administrative Director, Supreme Court of Appeals

*Mr. Canterbury will be invited to offer thoughts on behalf of the court system regarding the court's structure, as well as any logistical issues raised by the potential transition to another system of selection.*

- The Hon. O.C. Spaulding, West Virginia Judicial Association
- The Hon. Ronald Anderson, West Virginia Family Judicial Association

*Judge Spaulding and Judge Anderson represent the voluntary association of West Virginia state court judges and the voluntary association of state family court judges, respectively.*

#### **V. Public Comment**

#### **VI. COMMITTEE DISCUSSION & NEXT STEPS**